

Notice of Allowability

Application No.

10/079,073

Examiner

Jennifer Doan

Applicant(s)

DELIWALA, SHRENIK

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 12-26.
3. ☒ The drawings filed on 20 February 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 3 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. <u>0202</u> | 7 <input type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

Reasons for Allowance

1. The following is an examiner's statement of reasons for allowance:

The prior art of record fails to disclose or reasonably suggest a hybrid active electronic and optical multiplexer/demultiplexer comprising first and second waveguides for receiving light including a series of waveguide gratings spaced by a prescribed spacing; wherein the second waveguide is spaced from the first waveguide; a deflection region selectively allows light to pass from the first waveguide to the second waveguide; and an active electronic circuit positioned proximate the waveguide, wherein **a flow of a prescribed wavelength of light through the waveguide can be partially diverted from traveling along the first waveguide**, and wherein **when the active electronic circuit is in a first stage, light of the first wavelength will not pass from the first waveguide via the deflection region to the second waveguide, and when the active electronic circuit is in a second state, light of the first wavelength will pass from the first waveguide via the deflection region to the second waveguide** as recited in claim 12.

The most relevant references, Miyawaki (U.S. Patent 4,705,346), Nishiwaki et al. (U.S. Patent 5,193,130), Hammer (U.S. Patent 5,303,316) and Nishida et al. (U.S. Patent 5,852,702) disclose a thin film optical device used as a light-deflecting device. Plihal et al. (U.S. Patent 4,730,330) disclose an integrated structure for bi-directional optical transmission. Yi-Yan (U.S. Patent 4,747,654) discloses an integrated optical

device. However, there are no disclosures in the documents cited concerning the point of a flow of a prescribed wavelength of light through the waveguide can be partially diverted from traveling along the first waveguide; wherein when the active electronic circuit is in a first stage, light of the first wavelength will not pass from the first waveguide via the deflection region to the second waveguide, and when the active electronic circuit is in a second state, light of the first wavelength will pass from the first waveguide via the deflection region to the second waveguide.

Claims 12-26 are therefore allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

2. The prior art documents submitted by applicants in the Information Disclosure Statements filed on 02/20/2002 and 09/24/2003, have all been considered and made of record (note the attached copy of form PTO-1449). They also fail to disclose or suggest the highlighted limitations above.

3. Any inquiry concerning the merits of this communication should be directed to Examiner Jennifer Doan whose telephone number is (703) 308-6179. The examiner can normally be reached on Monday to Thursday from 6:30am to 4:00pm, second Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick, can be reached on (703) 308-4819. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Jennifer Doan

JD

November 7, 2003

Phan T. H. Palmer
PHAN T. H. PALMER
PRIMARY EXAMINER